

AMENDED IN SENATE MAY 25, 2016

AMENDED IN ASSEMBLY APRIL 20, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2651

Introduced by Assembly Member Gomez

February 19, 2016

An act to amend Section 816.52 of the Civil Code, *and to amend Sections 65302 and 65560 of the Government Code*, relating to ~~greenways~~, *open-space lands*, and *declaring the urgency thereof, to take effect immediately*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2651, as amended, Gomez. Greenway ~~easements~~; ~~amenities~~; ~~easements~~.

~~The~~

(1) *The Greenway Development and Sustainment Act* applies certain creation and transfer provisions similar to those of ~~conversation conservation~~ easements to greenway easements. The act defines various terms for purposes of the act, including “greenway,” to mean certain types of travel corridors that, among other requirements, incorporate an array of amenities for users of the corridor and nearby communities, and “greenway easement,” to mean a limitation in a deed, will, or other instrument for the purpose of developing greenways adjacent to urban waterways. The act provides that a recorded greenway easement constitutes an enforceable restriction for purposes of certain property tax provisions.

This bill would instead require a greenway to incorporate an array of amenities only within an urbanized area, as defined. *The bill would include easements created for the purpose of preserving greenways adjacent to urban waterways as greenway easements. The bill would require greenway easements created for the purpose of developing greenways to be consistent with restoration efforts undertaken at the adjacent urban waterways at the time of the creation of the easement.*

Because this bill, by revising these terms for purposes of the act and by expanding the definition of a greenway easement, would change the manner in which county assessors assess property for property taxation purposes, this bill would impose a state-mandated local program.

(2) *The Planning and Zoning Law requires each city, county, and city and county to prepare and adopt a general plan that contains certain mandatory elements, including a land use element and an open-space element. Existing law includes greenways, as defined in the Greenway Development and Sustainment Act, in the definition of “open-space land” for the purposes of the open-space element.*

This bill would instead specify that greenways be included in the land use element of a general plan.

By revising the contents of the mandatory elements of a general plan, this bill would impose a state-mandated local program.

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(4) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 816.52 of the Civil Code is amended to
2 read:

1 816.52. For purposes of this chapter, the following definitions
2 apply:

3 (a) (1) “Adjacent” means within 400 yards from the property
4 boundary of an existing urban waterway.

5 (2) This subdivision does not create a new authority to place or
6 extend an easement on private property that is not part of a
7 voluntary agreement.

8 (b) “Greenway” means a pedestrian and bicycle, nonmotorized
9 vehicle transportation, and recreational travel corridor that meets
10 the following requirements:

11 (1) Includes landscaping that improves rivers and streams,
12 provides flood protection benefits, and incorporates the significance
13 and value of natural, historical, and cultural resources, as
14 documented in the local agency’s applicable planning document,
15 including, but not limited to, a master plan, a general plan, or a
16 specific plan.

17 (2) Is separated and protected from shared roadways, is adjacent
18 to an urban waterway, and incorporates both ease of access to
19 nearby communities and an array of amenities within an urbanized
20 area and services for the users of the corridor and nearby
21 communities.

22 (3) Is located on public lands or private lands, or a combination
23 of public and private lands, where public access to those lands for
24 greenway purposes has been legally authorized by, or legally
25 obtained from, the fee owner of the land and, if applicable, the
26 operator of any facility or improvement located on the land,
27 through leases, easements, or other agreements entered into by the
28 fee owner and the operator of any affected facility or improvement
29 on the land.

30 (4) Reflects design standards regarding appropriate widths,
31 clearances, setbacks from obstructions, and centerlines protecting
32 directional travel, and other considerations, as appropriate, that
33 are applicable for each affected local agency, as documented in
34 the local agency’s applicable planning document, including, but
35 not limited to, a master plan, general plan, or specific plan.

36 (5) May incorporate appropriate lighting, public amenities within
37 an urbanized area, art, and other features that are consistent with
38 a local agency’s planning document, including, but not limited to,
39 a general plan, master plan, or specific plan.

(c) “Greenway easement” means any limitation in a deed, will, or other instrument in the form of an easement, restriction, covenant, or condition that is or has been executed by or on behalf of the owner of the land subject to the easement and is binding upon successive owners of that land, for *either of the purpose of developing following purposes:*

(1) *Developing greenways adjacent to urban waterways consistent with restoration efforts undertaken at those waterways at the time of the creation of the easement, if any.*

(2) *Preserving greenways adjacent to urban waterways.*

(d) “Local agency” means a city, county, or city and county.

(e) “Urbanized area” has the same meaning as set forth in Section 21071 of the Public Resources Code.

(f) “Urban waterway” means a creek, stream, or river that crosses (1) developed residential, commercial, or industrial property or (2) open space where the land use is designated as residential, commercial, or industrial, as referenced in a local agency’s planning document, including, but not limited to, a general plan, master plan, or specific general plan.

SEC. 2. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, *greenways, as defined in Section 816.52 of the Civil Code*, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain

1 mapping prepared by the Federal Emergency Management Agency
2 (FEMA) or the Department of Water Resources. The land use
3 element shall also do both of the following:

4 (1) Designate in a land use category that provides for timber
5 production those parcels of real property zoned for timberland
6 production pursuant to the California Timberland Productivity Act
7 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1
8 of Division 1 of Title 5).

9 (2) Consider the impact of new growth on military readiness
10 activities carried out on military bases, installations, and operating
11 and training areas, when proposing zoning ordinances or
12 designating land uses covered by the general plan for land, or other
13 territory adjacent to military facilities, or underlying designated
14 military aviation routes and airspace.

15 (A) In determining the impact of new growth on military
16 readiness activities, information provided by military facilities
17 shall be considered. Cities and counties shall address military
18 impacts based on information from the military and other sources.

19 (B) The following definitions govern this paragraph:

20 (i) "Military readiness activities" mean all of the following:

21 (I) Training, support, and operations that prepare the men and
22 women of the military for combat.

23 (II) Operation, maintenance, and security of any military
24 installation.

25 (III) Testing of military equipment, vehicles, weapons, and
26 sensors for proper operation or suitability for combat use.

27 (ii) "Military installation" means a base, camp, post, station,
28 yard, center, homeport facility for any ship, or other activity under
29 the jurisdiction of the United States Department of Defense as
30 defined in paragraph (1) of subsection (g) of Section 2687 of Title
31 10 of the United States Code.

32 (b) (1) A circulation element consisting of the general location
33 and extent of existing and proposed major thoroughfares,
34 transportation routes, terminals, any military airports and ports,
35 and other local public utilities and facilities, all correlated with the
36 land use element of the plan.

37 (2) (A) Commencing January 1, 2011, upon any substantive
38 revision of the circulation element, the legislative body shall
39 modify the circulation element to plan for a balanced, multimodal
40 transportation network that meets the needs of all users of streets,

1 roads, and highways for safe and convenient travel in a manner
2 that is suitable to the rural, suburban, or urban context of the
3 general plan.

4 (B) For purposes of this paragraph, “users of streets, roads, and
5 highways” mean bicyclists, children, persons with disabilities,
6 motorists, movers of commercial goods, pedestrians, users of public
7 transportation, and seniors.

8 (c) A housing element as provided in Article 10.6 (commencing
9 with Section 65580).

10 (d) (1) A conservation element for the conservation,
11 development, and utilization of natural resources including water
12 and its hydraulic force, forests, soils, rivers and other waters,
13 harbors, fisheries, wildlife, minerals, and other natural resources.
14 The conservation element shall consider the effect of development
15 within the jurisdiction, as described in the land use element, on
16 natural resources located on public lands, including military
17 installations. That portion of the conservation element including
18 waters shall be developed in coordination with any countywide
19 water agency and with all district and city agencies, including
20 flood management, water conservation, or groundwater agencies
21 that have developed, served, controlled, managed, or conserved
22 water of any type for any purpose in the county or city for which
23 the plan is prepared. Coordination shall include the discussion and
24 evaluation of any water supply and demand information described
25 in Section 65352.5, if that information has been submitted by the
26 water agency to the city or county.

27 (2) The conservation element may also cover all of the
28 following:

29 (A) The reclamation of land and waters.

30 (B) Prevention and control of the pollution of streams and other
31 waters.

32 (C) Regulation of the use of land in stream channels and other
33 areas required for the accomplishment of the conservation plan.

34 (D) Prevention, control, and correction of the erosion of soils,
35 beaches, and shores.

36 (E) Protection of watersheds.

37 (F) The location, ~~quantity~~ *quantity*, and quality of the rock, sand,
38 and gravel resources.

39 (3) Upon the next revision of the housing element on or after
40 January 1, 2009, the conservation element shall identify rivers,

1 creeks, streams, flood corridors, riparian habitats, and land that
2 may accommodate floodwater for purposes of groundwater
3 recharge and stormwater management.

4 (e) An open-space element as provided in Article 10.5
5 (commencing with Section 65560).

6 (f) (1) A noise element that shall identify and appraise noise
7 problems in the community. The noise element shall analyze and
8 quantify, to the extent practicable, as determined by the legislative
9 body, current and projected noise levels for all of the following
10 sources:

11 (A) Highways and freeways.

12 (B) Primary arterials and major local streets.

13 (C) Passenger and freight online railroad operations and ground
14 rapid transit systems.

15 (D) Commercial, general aviation, heliport, helistop, and military
16 airport operations, aircraft overflights, jet engine test stands, and
17 all other ground facilities and maintenance functions related to
18 airport operation.

19 (E) Local industrial plants, including, but not limited to, railroad
20 classification yards.

21 (F) Other ground stationary noise sources, including, but not
22 limited to, military installations, identified by local agencies as
23 contributing to the community noise environment.

24 (2) Noise contours shall be shown for all of these sources and
25 stated in terms of community noise equivalent level (CNEL) or
26 day-night average sound level (L_{dn}). The noise contours shall be
27 prepared on the basis of noise monitoring or following generally
28 accepted noise modeling techniques for the various sources
29 identified in paragraphs (1) to (6), inclusive.

30 (3) The noise contours shall be used as a guide for establishing
31 a pattern of land uses in the land use element that minimizes the
32 exposure of community residents to excessive noise.

33 (4) The noise element shall include implementation measures
34 and possible solutions that address existing and foreseeable noise
35 problems, if any. The adopted noise element shall serve as a
36 guideline for compliance with the state's noise insulation standards.

37 (g) (1) A safety element for the protection of the community
38 from any unreasonable risks associated with the effects of
39 seismically induced surface rupture, ground shaking, ground
40 failure, tsunami, seiche, and dam failure; slope instability leading

1 to mudslides and landslides; subsidence; liquefaction; and other
2 seismic hazards identified pursuant to Chapter 7.8 (commencing
3 with Section 2690) of Division 2 of the Public Resources Code,
4 and other geologic hazards known to the legislative body; flooding;
5 and wildland and urban fires. The safety element shall include
6 mapping of known seismic and other geologic hazards. It shall
7 also address evacuation routes, military installations, peakload
8 water supply requirements, and minimum road widths and
9 clearances around structures, as those items relate to identified fire
10 and geologic hazards.

11 (2) The safety element, upon the next revision of the housing
12 element on or after January 1, 2009, shall also do the following:

13 (A) Identify information regarding flood hazards, including,
14 but not limited to, the following:

15 (i) Flood hazard zones. As used in this subdivision, “flood
16 hazard zone” means an area subject to flooding that is delineated
17 as either a special hazard area or an area of moderate or minimal
18 hazard on an official flood insurance rate map issued by the Federal
19 Emergency Management Agency (FEMA). The identification of
20 a flood hazard zone does not imply that areas outside the flood
21 hazard zones or uses permitted within flood hazard zones will be
22 free from flooding or flood damage.

23 (ii) National Flood Insurance Program maps published by
24 FEMA.

25 (iii) Information about flood hazards that is available from the
26 United States Army Corps of Engineers.

27 (iv) Designated floodway maps that are available from the
28 Central Valley Flood Protection Board.

29 (v) Dam failure inundation maps prepared pursuant to Section
30 8589.5 that are available from the Office of Emergency Services.

31 (vi) Awareness Floodplain Mapping Program maps and 200-year
32 flood plain maps that are or may be available from, or accepted
33 by, the Department of Water Resources.

34 (vii) Maps of levee protection zones.

35 (viii) Areas subject to inundation in the event of the failure of
36 project or nonproject levees or floodwalls.

37 (ix) Historical data on flooding, including locally prepared maps
38 of areas that are subject to flooding, areas that are vulnerable to
39 flooding after wildfires, and sites that have been repeatedly
40 damaged by flooding.

1 (x) Existing and planned development in flood hazard zones,
2 including structures, roads, utilities, and essential public facilities.

3 (xi) Local, state, and federal agencies with responsibility for
4 flood protection, including special districts and local offices of
5 emergency services.

6 (B) Establish a set of comprehensive goals, policies, and
7 objectives based on the information identified pursuant to
8 subparagraph (A), for the protection of the community from the
9 unreasonable risks of flooding, including, but not limited to:

10 (i) Avoiding or minimizing the risks of flooding to new
11 development.

12 (ii) Evaluating whether new development should be located in
13 flood hazard zones, and identifying construction methods or other
14 methods to minimize damage if new development is located in
15 flood hazard zones.

16 (iii) Maintaining the structural and operational integrity of
17 essential public facilities during flooding.

18 (iv) Locating, when feasible, new essential public facilities
19 outside of flood hazard zones, including hospitals and health care
20 facilities, emergency shelters, fire stations, emergency command
21 centers, and emergency communications facilities or identifying
22 construction methods or other methods to minimize damage if
23 these facilities are located in flood hazard zones.

24 (v) Establishing cooperative working relationships among public
25 agencies with responsibility for flood protection.

26 (C) Establish a set of feasible implementation measures designed
27 to carry out the goals, policies, and objectives established pursuant
28 to subparagraph (B).

29 (3) Upon the next revision of the housing element on or after
30 January 1, 2014, the safety element shall be reviewed and updated
31 as necessary to address the risk of fire for land classified as state
32 responsibility areas, as defined in Section 4102 of the Public
33 Resources Code, and land classified as very high fire hazard
34 severity zones, as defined in Section 51177. This review shall
35 consider the advice included in the Office of Planning and
36 Research's most recent publication of "Fire Hazard Planning,
37 General Plan Technical Advice Series" and shall also include all
38 of the following:

39 (A) Information regarding fire hazards, including, but not limited
40 to, all of the following:

1 (i) Fire hazard severity zone maps available from the Department
2 of Forestry and Fire Protection.

3 (ii) Any historical data on wildfires available from local agencies
4 or a reference to where the data can be found.

5 (iii) Information about wildfire hazard areas that may be
6 available from the United States Geological Survey.

7 (iv) General location and distribution of existing and planned
8 uses of land in very high fire hazard severity zones and in state
9 responsibility areas, including structures, roads, utilities, and
10 essential public facilities. The location and distribution of planned
11 uses of land shall not require defensible space compliance measures
12 required by state law or local ordinance to occur on publicly owned
13 lands or open space designations of homeowner associations.

14 (v) Local, state, and federal agencies with responsibility for fire
15 protection, including special districts and local offices of
16 emergency services.

17 (B) A set of goals, policies, and objectives based on the
18 information identified pursuant to subparagraph (A) for the
19 protection of the community from the unreasonable risk of wildfire.

20 (C) A set of feasible implementation measures designed to carry
21 out the goals, policies, and objectives based on the information
22 identified pursuant to subparagraph (B) including, but not limited
23 to, all of the following:

24 (i) Avoiding or minimizing the wildfire hazards associated with
25 new uses of land.

26 (ii) Locating, when feasible, new essential public facilities
27 outside of high fire risk areas, including, but not limited to,
28 hospitals and health care facilities, emergency shelters, emergency
29 command centers, and emergency communications facilities, or
30 identifying construction methods or other methods to minimize
31 damage if these facilities are located in a state responsibility area
32 or very high fire hazard severity zone.

33 (iii) Designing adequate infrastructure if a new development is
34 located in a state responsibility area or in a very high fire hazard
35 severity zone, including safe access for emergency response
36 vehicles, visible street signs, and water supplies for structural fire
37 suppression.

38 (iv) Working cooperatively with public agencies with
39 responsibility for fire protection.

1 (D) If a city or county has adopted a fire safety plan or document
2 separate from the general plan, an attachment of, or reference to,
3 a city or county's adopted fire safety plan or document that fulfills
4 commensurate goals and objectives and contains information
5 required pursuant to this paragraph.

6 (4) Upon the next revision of a local hazard mitigation plan,
7 adopted in accordance with the federal Disaster Mitigation Act of
8 2000 (Public Law 106-390), on or after January 1, 2017, or, if a
9 local jurisdiction has not adopted a local hazard mitigation plan,
10 beginning on or before January 1, 2022, the safety element shall
11 be reviewed and updated as necessary to address climate adaptation
12 and resiliency strategies applicable to the city or county. This
13 review shall consider advice provided in the Office of Planning
14 and Research's General Plan Guidelines and shall include all of
15 the following:

16 (A) (i) A vulnerability assessment that identifies the risks that
17 climate change poses to the local jurisdiction and the geographic
18 areas at risk from climate change impacts, including, but not limited
19 to, an assessment of how climate change may affect the risks
20 addressed pursuant to paragraphs (2) and (3).

21 (ii) Information that may be available from federal, state,
22 regional, and local agencies that will assist in developing the
23 vulnerability assessment and the adaptation policies and strategies
24 required pursuant to subparagraph (B), including, but not limited
25 to, all of the following:

26 (I) Information from the Internet-based Cal-Adapt tool.

27 (II) Information from the most recent version of the California
28 Adaptation Planning Guide.

29 (III) Information from local agencies on the types of assets,
30 resources, and populations that will be sensitive to various climate
31 change exposures.

32 (IV) Information from local agencies on their current ability to
33 deal with the impacts of climate change.

34 (V) Historical data on natural events and hazards, including
35 locally prepared maps of areas subject to previous risk, areas that
36 are vulnerable, and sites that have been repeatedly damaged.

37 (VI) Existing and planned development in identified at-risk
38 areas, including structures, roads, utilities, and essential public
39 facilities.

1 (VII) Federal, state, regional, and local agencies with
2 responsibility for the protection of public health and safety and
3 the environment, including special districts and local offices of
4 emergency services.

5 (B) A set of adaptation and resilience goals, policies, and
6 objectives based on the information specified in subparagraph (A)
7 for the protection of the community.

8 (C) A set of feasible implementation measures designed to carry
9 out the goals, policies, and objectives identified pursuant to
10 subparagraph (B) including, but not limited to, all of the following:

11 (i) Feasible methods to avoid or minimize climate change
12 impacts associated with new uses of land.

13 (ii) The location, when feasible, of new essential public facilities
14 outside of at-risk areas, including, but not limited to, hospitals and
15 health care facilities, emergency shelters, emergency command
16 centers, and emergency communications facilities, or identifying
17 construction methods or other methods to minimize damage if
18 these facilities are located in at-risk areas.

19 (iii) The designation of adequate and feasible infrastructure
20 located in an at-risk area.

21 (iv) Guidelines for working cooperatively with relevant local,
22 regional, state, and federal agencies.

23 (v) The identification of natural infrastructure that may be used
24 in adaptation projects, where feasible. Where feasible, the plan
25 shall use existing natural features and ecosystem processes, or the
26 restoration of natural features and ecosystem processes, when
27 developing alternatives for consideration. For the purposes of this
28 clause, “natural infrastructure” means the preservation or
29 restoration of ecological systems, or utilization of engineered
30 systems that use ecological processes, to increase resiliency to
31 climate change, manage other environmental hazards, or both.
32 This may include, but is not limited to, floodplain and wetlands
33 restoration or preservation, combining levees with restored natural
34 systems to reduce flood risk, and urban tree planting to mitigate
35 high heat days.

36 (D) (i) If a city or county has adopted the local hazard
37 mitigation plan, or other climate adaptation plan or document that
38 fulfills commensurate goals and objectives and contains the
39 information required pursuant to this paragraph, separate from the

1 general plan, an attachment of, or reference to, the local hazard
2 mitigation plan or other climate adaptation plan or document.

3 (ii) Cities or counties that have an adopted hazard mitigation
4 plan, or other climate adaptation plan or document that substantially
5 complies with this section, or have substantially equivalent
6 provisions to this subdivision in their general plans, may use that
7 information in the safety element to comply with this subdivision,
8 and shall summarize and incorporate by reference into the safety
9 element the other general plan provisions, climate adaptation plan
10 or document, specifically showing how each requirement of this
11 subdivision has been met.

12 (5) After the initial revision of the safety element pursuant to
13 paragraphs (2), (3), and (4) upon each revision of the housing
14 element, the planning agency shall review and, if necessary, revise
15 the safety element to identify new information that was not
16 available during the previous revision of the safety element.

17 (6) Cities and counties that have flood plain management
18 ordinances that have been approved by FEMA that substantially
19 comply with this section, or have substantially equivalent
20 provisions to this subdivision in their general plans, may use that
21 information in the safety element to comply with this subdivision,
22 and shall summarize and incorporate by reference into the safety
23 element the other general plan provisions or the flood plain
24 ordinance, specifically showing how each requirement of this
25 subdivision has been met.

26 (7) Prior to the periodic review of its general plan and prior to
27 preparing or revising its safety element, each city and county shall
28 consult the California Geological Survey of the Department of
29 Conservation, the Central Valley Flood Protection Board, if the
30 city or county is located within the boundaries of the Sacramento
31 and San Joaquin Drainage District, as set forth in Section 8501 of
32 the Water Code, and the Office of Emergency Services for the
33 purpose of including information known by and available to the
34 department, the agency, and the board required by this subdivision.

35 (8) To the extent that a county's safety element is sufficiently
36 detailed and contains appropriate policies and programs for
37 adoption by a city, a city may adopt that portion of the county's
38 safety element that pertains to the city's planning area in
39 satisfaction of the requirement imposed by this subdivision.

1 *SEC. 3. Section 65560 of the Government Code is amended to*
2 *read:*

3 65560. (a) “Local open-space plan” is the open-space element
4 of a county or city general plan adopted by the board or council,
5 either as the local open-space plan or as the interim local
6 open-space plan adopted pursuant to Section 65563.

7 (b) “Open-space land” is any parcel or area of land or water that
8 is essentially unimproved and devoted to an open-space use as
9 defined in this section, and that is designated on a local, regional,
10 or state open-space plan as any of the following:

11 (1) Open space for the preservation of natural ~~resources~~
12 ~~resources~~, including, but not limited to, areas required for the
13 preservation of plant and animal life, including habitat for fish and
14 wildlife species; areas required for ecologic and other scientific
15 study purposes; rivers, streams, bays, and estuaries; and coastal
16 beaches, lakeshores, banks of rivers and streams, ~~greenways~~, as
17 ~~defined in Section 816.52 of the Civil Code~~, and watershed lands.

18 (2) Open space used for the managed production of resources,
19 including, but not limited to, forest lands, rangeland, agricultural
20 lands, and areas of economic importance for the production of
21 food or fiber; areas required for recharge of groundwater basins;
22 bays, estuaries, marshes, rivers, and streams that are important for
23 the management of commercial fisheries; and areas containing
24 major mineral deposits, including those in short supply.

25 (3) Open space for outdoor recreation, including, but not limited
26 to, areas of outstanding scenic, historic, and cultural value; areas
27 particularly suited for park and recreation purposes, including
28 access to lakeshores, beaches, and rivers and streams; and areas
29 that serve as links between major recreation and open-space
30 reservations, including utility easements, banks of rivers and
31 streams, trails, ~~greenways~~, and scenic highway corridors.

32 (4) Open space for public health and safety, including, but not
33 limited to, areas that require special management or regulation
34 because of hazardous or special conditions such as earthquake
35 fault zones, unstable soil areas, flood plains, watersheds, areas
36 presenting high fire risks, areas required for the protection of water
37 quality and water reservoirs, and areas required for the protection
38 and enhancement of air quality.

39 (5) Open space in support of the mission of military installations
40 that comprises areas adjacent to military installations, military

1 training routes, and underlying restricted airspace that can provide
2 additional buffer zones to military activities and complement the
3 resource values of the military lands.

4 (6) Open space for the protection of places, features, and objects
5 described in Sections 5097.9 and 5097.993 of the Public Resources
6 Code.

7 *SEC. 4. No reimbursement is required by this act pursuant to*
8 *Section 6 of Article XIII B of the California Constitution for certain*
9 *costs because a local agency or school district has the authority*
10 *to levy service charges, fees, or assessments sufficient to pay for*
11 *the program or level of service mandated by this act, within the*
12 *meaning of Section 17556 of the Government Code.*

13 *However, if the Commission on State Mandates determines that*
14 *this act contains other costs mandated by the state, reimbursement*
15 *to local agencies and school districts for those costs shall be made*
16 *pursuant to Part 7 (commencing with Section 17500) of Division*
17 *4 of Title 2 of the Government Code.*

18 *SEC. 5. This act is an urgency statute necessary for the*
19 *immediate preservation of the public peace, health, or safety within*
20 *the meaning of Article IV of the Constitution and shall go into*
21 *immediate effect. The facts constituting the necessity are:*

22 *In order to timely facilitate the orderly and efficient*
23 *implementation of Chapter 639 of the Statutes of 2015, it is*
24 *necessary that this act take effect immediately.*